CHARLES PARKIN, City Attorney
HOWARD D. RUSSELL, Deputy City Attorney
State Bar No. 163595

333 West Ocean Boulevard, 11th Floor
Long Beach, California 90802-4664
Telephone: (562) 570-2200
Facsimile: (562) 436-1579

Email: howard.russell@longbeach.gov

Attorneys for Defendants
JULIE LACEY (ACKERMAN)
TOMAS DIAZ
HARRISON MOORE
ALEJANDRO CAZARES

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAY WEBB, Plaintiff, vs. OFFICER J. ACKERMAN, OFFICER A. CAZAREZ, OFFICER T. DIAZ, OFFICER H. MOORE, Defendants.	Case No.: CV13-09112 PLA Honorable Paul L. Abrams, Magistrate Courtroom G. 9th Floor, 312 North Spring Street, Los Angeles, CA 90012 **DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE *NUMBER ONE* TO EXCLUDE EVIDENCE OF PLAINTIFF'S CRIMINAL HISTORY** Hearing date: February 15, 2017 Hearing time: 9:30 a.m.

I.

INTRODUCTION

On October 30, 2011, the defendant officers encountered plaintiff during and following a traffic stop. Officers found cocaine during a search of plaintiff's vehicle

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and force was used during the encounter. Plaintiff was arrested and taken into custody.

That date was not the first, or last, time that plaintiff has been in police custody.

II.

ARGUMENT

A. A WITNESS MAY BE IMPEACHED BY EVIDENCE OF CRIMINAL CONVICTIONS

Once a witness testifies, their character for truthfulness is at issue, and they may be impeached. FRE 607.

A witness may specifically be impeached by evidence of certain criminal convictions. FRE 609.

If plaintiff has convictions that fall within FRE 609, defendants should be allowed to offer that evidence.

B. THE EVIDENCE IS RELEVANT AND ADMISSIBLE UNDER F.R.E. 402 AND THE PROBATIVE VALUE OUTWEIGHS ANY DANGER OF UNFAIR PREJUDICE

The evidence of convictions, or even arrests, is also relevant and the probative value is not substantially outweighed by the danger of unfair prejudice under FRE 403.

Plaintiff may try to persuade the jury that the cocaine in the vehicle was not his; the jury should be able to consider plaintiff's numerous narcotics-related arrests in assessing plaintiff's credibility.

Moreover, if the jury erroneously believes that plaintiff had never previously been subject to police authority, the jury may award more substantial damages than

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if the jury realizes that plaintiff had "experience" with the police.

And, any risk of "unfair" prejudice can be mitigated by the Court giving a limiting instruction.

III.

CONCLUSION

Based on the above, defendants respectfully request the Court to deny the motion in limine.

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DATED: December 30, 2016

CHARLES PARKIN, City Attorney

By: */s/ HOWARD D. RUSSELL*
HOWARD D. RUSSELL
Deputy City Attorney
Attorneys for Defendants
CITY OF LONG BEACH, et al.